



04-12-02

#0899
RCE/1600
5/1/02

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.
See The American Inventors Protection Act of 1999 (AIPA).

| | |
|------------------------|------------------|
| Application Number | 08/961,443 |
| Filing Date | October 30, 1997 |
| First Named Inventor | Townes, Tim M. |
| Group Art Unit | 1632 |
| Examiner Name | Crouch, D. |
| Attorney Docket Number | 05118.0007U4 |

RECEIVED
EPO CENTER
APR 26 2002

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

- a. Previously submitted
- i. Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).
- ii. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- iii. Other _____
- b. Enclosed
- i. Amendment/Reply
- ii. Affidavit(s)/Declaration(s) 2 Declarations by Dr. Tim Townes with Exhibits and Appendix
- iii. Information Disclosure Statement (IDS)
- iv. Other Substitute Declaration of Inventorship 04/25/2002 HGBREH1 0000001 08961443
01 FC:379 370.00 OP

2. Miscellaneous

- a. Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. Other _____

3. Fees

- a. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account 04/15/2002 HGBREH1 0000001 08961443
01 FC:379 370.00 OP
- i. RCE fee required under 37 C.F.R. § 1.17(e)
- ii. Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- iii. Other _____
- b. Check in the amount of \$ _____ enclosed
- c. Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

| | | | |
|-------------------|--------------------------|-----------------------------------|----------------|
| Name (Print/Type) | David E. Huizenga, Ph.D. | Registration No. (Attorney/Agent) | 49,026 |
| Signature | | Date | April 10, 2002 |

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence and anything indicated as attached or enclosed is being depositing with the United States Postal Service as Express Mail No. EL924195411US in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, on the date shown below.

| | |
|-------------------|--------------------------|
| Name (Print/Type) | David E. Huizenga, Ph.D. |
| Signature | |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Commissioner for Patents, Box RCE, Washington, DC 20231.

#24 pr
S/1/02



ATTORNEY DOCKET NO.05118.0007U4
SERIAL NO. 08/961,443

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Townes, Tim M. et al.

) Group Art Unit: 1632

Serial No. 08/961,443

) Examiner: Jill Martin

Filed: October 10, 1997

)

For: TRANSGENIC ANIMALS THAT
PRODUCE HEMOGLOBIN

)

)

RECEIVED

APR 26 2002

TECH CENTER 1600/2900

AMENDMENT UNDER 37 C.F.R. 1.111

BOX RCE
Commissioner for Patents
Washington, D.C. 20231

NEEDLE & ROSENBERG, P.C.
Suite 1200, The Candler Building
127 Peachtree Street, N.E.
Atlanta, Georgia 30303-1811

April 10, 2002

Sir:

This Response and Amendment to an Office Action filed under 37 C.F.R. § 1.111 is responsive to the Office Action dated December 10, 2001. Enclosed with this Response are two C.F.R. § 1.132 Declarations by Dr. Tim Townes (Townes Declaration 1 and Townes Declaration 2), and a new Declaration by the Inventors under C.F.R. § 1.67. Also enclosed is a Request for Continued Examination, along with the requisite fee of \$370.00 under 37 C.F.R. § 1.17(e). Also enclosed is a Petition for Extension of Time for 3 months up to and including April 10, 2002, along with the fee of \$460.00 under 37 C.F.R. § 1.17(a)(3).